

Application No.: 09/884,114  
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### REMARKS

Claims 1-9 remain pending in the application. The specification and claim 1 have been amended without introduction of new matter. Favorable reconsideration is respectfully requested in view of the above amendments and the following remarks.

The allowance of claims 8-9 and the indication that claim 7 defines allowable subject matter are noted with appreciation.

The abstract of the disclosure was objected to for being "too brief." Applicant disagrees that the original abstract was not compliant with patent regulations. However, in order to expedite prosecution of the application, the abstract has been amended in order to increase its length. The objection to the abstract should therefore be withdrawn.

The title of the invention was objected to as allegedly not being descriptive. Again, in order to expedite prosecution of the application, a new title has been presented which is believed to address the Office's concern. Withdrawal of the objection to the title is respectfully requested.

Claim 1 stands rejected under 35 USC §102(b) as allegedly being anticipated by Nishimura et al. (US Patent 5,646,941). This rejection is respectfully traversed.

The invention relates to the processing of data packets in a packet-based communications system. As described in the Background section of the specification, such systems can use a single air interface to provide both synchronous and asynchronous connections in order to support multi-media applications. Even if a system utilizes frequency hopping to minimize interference, collisions between uncoordinated systems operating in the same band cannot be prevented. For asynchronous data services, retransmission schemes can be applied to retransmit failed data packets at different points in time and frequency. However, this may cause delay which depends on the number of retransmissions. For real-time services like voice, variable delay is unacceptable. Therefore, error correction protocols based on the retransmission of erroneous data cannot be applied. Instead, sufficient protection must be included by means of, for example, the use of robust voice coding schemes like Continuous Variable Slope Delta (CVSD) modulation. However, when packetized communications are utilized, apart from bit errors, packet failures may occur due to errors in the leading parts (i.e., preamble and header) of the packet. This will lead to a complete loss of a voice segment or frame. Although CVSD is robust against bit errors, frame errors are more detrimental. It is therefore desirable to provide a method and a means

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to provide robustness to voice links disturbed by interference causing the loss of complete speech frames.

Embodiments defined by independent claim 1 involve "receiving a data packet having header and payload information;" and, as now amended, "processing the payload information irrespective of the accuracy of the header information." (Emphasis added.) Such embodiments are not anticipated by the Nishimura et al. patent because Nishimura et al. fail to either expressly or inherently describe each and every element as set forth in the claim. In particular, the applied reference fails to disclose or suggest at least the step of "processing the payload information irrespective of the accuracy of the header information."

Nishimura et al. discloses a data receiving apparatus 381, as illustrated by figure 8, that includes a packet decomposer 356 that decomposes data packets into a data block Db and data header Hd portions. Header analyzer 358 analyzes the header and data decoder 357 processes the data. However, unlike Applicant's claimed invention, data is not processed irrespective of the accuracy of the header information, as required by claim 1. To the contrary, Nishimura et al. state, at column 10, lines 14-18, "When the accuracy of both the data region data Dr and packet header Ph is confirmed, the interface block 355 derives the packet data Pd of the data CRC code Ed to extract the data region data Dr together with the header region data Phr therefrom. Thus extracted data region data Dr and Phr are supplied to the packet decomposer 356." (Emphasis added.)

It is clear then, that in accordance with Nishimura et al., an error in the header region will prevent the extraction of data from the data region. Consequently, no data can be processed if the header information is inaccurate.

Accordingly, claim 1 is believed to be patentably distinguishable over the Nishimura et al. patent. It is therefore respectfully requested that the rejection of claim 1 under 35 USC §102(b) be withdrawn.

Claims 2 and 3 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Nishimura et al. in view of Strawczynski et al. (US Patent 6,628,641). This rejection is respectfully traversed.

In order to make out a *prima facie* case of obviousness, it is necessary that, *inter alia*, the references when combined must teach or suggest all the claim limitations. See, e.g., *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). At least this requirement has not been satisfied in the present rejection.

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Claims 2 and 3 each depend from claim 1, and therefore inherit the same features as those described above. For at least the same reasons as those set forth above, these claims are patentably distinguishable over the Nishimura et al. patent.

Strawczynski et al. fail to make up for the deficiencies of Nishimura et al. at least because, like Nishimura et al., Strawczynski et al. *teach away* from processing the payload information irrespective of the accuracy of the header information. To the contrary, as shown in Strawczynski et al. at Figure 6A and as described in the supporting text at, for example, column 6, lines 55- 62, if it is determined that the header is not valid (e.g., either of decision blocks 630 and 632), the entire received message is discarded (block 635).

Consequently, no combination of Nishimura et al. with Strawczynski et al. will produce any system or method in which payload information is processed "irrespective of the accuracy of the header information." For at least this reason, claims 2 and 3 are believed to be patentably distinguishable over Nishimura et al. and Strawczynski et al. It is therefore respectfully requested that the rejection of these claims under 35 USC §103(a) be withdrawn.

Claims 4-6 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Strawczynski et al. in view of Nishimura et al. This rejection is respectfully traversed.

Independent claim 4 defines a method of processing data packets in a packet-based communications system, which method comprises, *inter alia*, "detecting errors in the header information; and ... if an error is detected, processing the payload information independently of the header information."

No combination of Strawczynski et al. and Nishimura et al. can include this feature because, as explained above, each of these references expressly states that no processing of the received data takes place in the event that an error is detected in the header. Therefore, the combination of these references will not support a *prima facie* case of obviousness against claim 4. The remaining claims 5 and 6 each depend from claim 4 and therefore inherit the same features as described above.

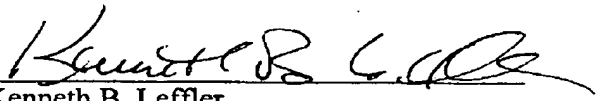
For at least the foregoing reasons, claims 4-6 are believed to be patentably distinguishable over Strawczynski et al. and Nishimura et al., regardless of whether these references are considered individually or in any combination. It is therefore respectfully requested that the rejection of these claims under 35 USC §103(a) be withdrawn.

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The application is believed to be in condition for allowance. Prompt notice of same is respectfully requested.

Respectfully submitted,  
Potomac Patent Group PLLC

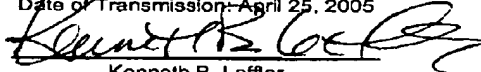
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